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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,532	02/21/2004	John Bowser	BOW001	7160

35830 7590 10/18/2005

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EXAMINER

DONNELLY, JEROME W

ART UNIT	PAPER NUMBER
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3764

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/783,532

Applicant(s)

BOWSER, JOHN

Examiner

Jerome W. Donnelly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

JEROME W. DONNELLY
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/5/04

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The specification does not disclose a device wherein two handles are connected to a single anchor.

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 7-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosati in view of Fukumoto.

Rosati discloses a device comprising an elastic cable and an anchor.

Rosati however does not specifically disclose his device as comprising: an anchor having a shaft and first and second flanges.

Fukumoto discloses a device having an anchor (14).

Given the above teaching of providing anchoring means as disclosed by Fukumoto the examiner notes that it would have been obvious to one of ordinary skill in the art to provide a similar anchor as an alternate design in anchoring device to the device of Rosati.

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In regard to claim 15 the examiner notes that it is well known and that it would have been obvious to one of ordinary skill in the art to provide a folding chair instead of the chair presently disclosed as a means of making the present combination shown more portable.

Applicant has failed to disclose his device having two handles attached to a single expansion anchor.

Fukumoto however does disclose his device as having a second handle attached to a second resilient cable.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ish III in view Rosati and further in view of Fukumoto.

The examiner notes that it would have been obvious to use the device of Rosati modified by Fukumoto in conjunction with the chair (14) of Ish III as an alternate main frame/chair known in the art.

Claims 17-22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brewer in view of Jackson.

Brewer discloses a device comprising a plurality of activity bays (35) positioned, at desired locations on said chair.

Jackson discloses his device including slots.

Given the above teachings the examiner notes that it is well known and would have been obvious to one of ordinary skill in the art to attach resilient members to a supporting device/chair through the use of bays in the form of slots. See Jackson Fig. 2, element (74).

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In regard to claim 18 the examiner notes, that absent any claimed criticality the particular shape of a slot would not be considered as a patentably distinct feature in the art so long as the slot achieved the desired attaching function.

In regard to claims 20 and 21, although the chair of Brewer discloses a device being manufactured of pipe material, the examiner reminds the applicant that plate stock or flat metal material is a well known bar stock material used in the art to manufacture exercise devices. Flat material verses round material is known in the art.

In regard to claims 22 and 24 the examiner notes that to manufacture a chair or a exercise device to be foldable is notoriously well known in the art and it would have been obvious to manufacture the device of Brewer as being foldable for the purpose of enhancing the storability and portability of the device.

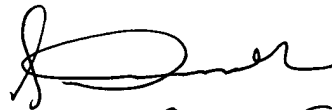
Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brewer in view of Jackson and further in view of Lab, III.

The examiner notes that it would have been obvious to manufacture the device of Brewer modified by Jackson in conjunction with a universal exercise system, as obvious in view of the disclosure of Lab, III. Lab III discloses a device wherein the chair frame is a portion of a universal exercise system.

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Any inquiry concerning this communication should be directed to Jerome Donnelly at telephone number (571) 272-4975.

Jerome Donnelly



Primary Examiner